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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,967	12/13/1999	HISASHI TACHIBANA	450100-02223	1861
20999	7590	04/01/2003		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER	
			DO, NHAT Q	
ART UNIT	PAPER NUMBER			
2663		5		
DATE MAILED: 04/01/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/459,967	TACHIBANA, HISASHI
	Examiner Nhat Do	Art Unit 2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 April 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 December 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said comparison result" in line 18. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,434,146 to Movshovich et al.

Regarding to claim 1, Movshovich et al disclose a data processing circuit comprising:

A channel identification data extracting circuit 354 for extracting channel identification data regarding a selected channel in input packet data (fig. 5; col. 8, lines 36-67);

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A comparison circuit 372 for comparing the extracted channel identification data with channel specifying data regarding a predetermined selected channel (Fig. 5; col. 9, lines 18-27);

A packet data validity instruction signal generation circuit 380 for outputting a packet data validity instruction signal indicating whether the packet data is valid or not based on the comparison result (Fig. 5, 6; col. 10, lines 1-47);

A transmission circuit 400 for selecting the input packet data to data transmission path 32 when the packet data validity instruction signal is valid (Fig. 6; col. 10, lines 43-53).

Regarding to claim 2, Movshovich et al disclose the channel identification data extraction circuit 354 receives a timing signal 356 for specifying an input timing of the packet data and extracts the channel identification data based on the input timing (Col. 8, lines 40-67).

Regarding to claim 3, Movshovich et al disclose the transmission circuit transmits insert data (gap signal) when there is no data for transmitting (Col. 13, lines 5-7; lines 47-56).

Movshovich et al also disclose the transmission circuit receives data when data validity instruction signal is valid (Col. 10, lines 40-54). Therefore, the examiner understands that the transmission circuit transmits the insert data (gap signal) when data validity instruction signal is invalid (because there is data coming).

Regarding to claim 4, Movshovich et al disclose the insert data (gap signal) is information data regarding the selected channel because the signal indicate the channel has data.

Regarding to claim 5, Movshovich et al disclose the data processing circuit further comprises a memory circuit (PID table) for storing the channel specifying data (Col. 7, lines 63-65).

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Regarding to claim 6, Movshovich et al disclose the memory circuit (PID table) is updated by the computer (processor) 216 (Col. 7, lines 65-67; col. 8, lines 39-41), the examiner understands that the computer 216 is used for writing channel specifying data because the examiner interprets “update” by writing new and deleting unused information.

Regarding to claim 7, Movshovich et al disclose a transmission packet data memory circuit 428 for storing packet data to be transmitted to the data transmission path (Fig. 6; col. 12, lines 21-25).

Wherein the transmission circuit 400 selects the input data and writes it to a transmission packet data memory circuit 428 when the packet data validity instruction signal indicates validity (Fig. 6; col. 10, lines 38-54; col. 12, lines 21-25).

Regarding to claim 9, Movshovich et al disclose using IEEE 1394 standard, which uses serial bus (Col. 12, line 65-col.13, line 5).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Movshovich et al.

Further to the rejection of claim 1, Movshovich et al fail to disclose explicitly the transmission circuit transmits data at predetermined intervals. However, Movshovich et al disclose the circuit transmits data at the same fixed rate of input data (Col. 12, lines 45-49; col. 13, lines 23-30). Movshovich et al also disclose the transmission circuit transmits data in fixed

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length packet (Fig. 7). It would have been obvious to a person having ordinary skill in the art by the time the invention was made to modify the transmission circuit in the system taught by Movshovich et al so that it transmits data at predetermined intervals depending the capacity of the transmitter. A skilled artisan would have been motivated to do so in order to keep the circuit transmits data at fixed rate of input data as taught by Movshovich et al.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhat Do  
Examiner  
Art Unit 2663

ND

March 25, 2003



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600